

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DARRELL L. SMITH,

Plaintiff,

vs.

SOC/THEFT/AND/ID THEFT,

Defendant.

**8:23CV91**

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Notice of Appeal, [Filing No. 29](#), filed on November 4, 2024. Liberally construed, Plaintiff appeals from the Court's Memorandum and Order dated October 16, 2024, [Filing No. 28](#), in which the Court denied four motions seeking relief from the Court's May 24, 2023, dismissal of this matter.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed In Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

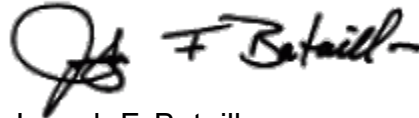
(A) the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding . . . .

The Court finds that because Plaintiff proceeded IFP in the district court, he/she may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that Plaintiff may proceed on appeal in forma pauperis.

Dated this 20th day of November, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large initial "J" and a cursive "F".

Joseph F. Bataillon  
Senior United States District Judge